

Docket No. «IMPORT_CASE/CPI_DOCKET_NO»
US App. No. «APPLICATION_NO»

REMARKS

Status of the Application

Claims 1-3 were objected to for informalities and rejected both under 35 USC 112, second paragraph, and under 35 USC 102(b) as being anticipated by Olson (US 5,230,539). The specification was objected to for informalities.

Applicant has amended claims 1-3. No new matter adds through the amendments. For the reasons discussed below, withdrawal of the rejections is requested.

The Specification

The specification was objected to for minor informalities. Applicant has amended the specification to correct some minor typos.

Claim Objections and Rejections under 35 USC 112, second paragraph

Claims 1-3 have been amended to overcome the objections and the rejections.

Withdrawal of the objection is requested.

Claim Rejections- 35 U.S.C. 102(b)

Claim 1 was rejected under 35 USC 102(b) as being anticipated by Olson (US 5,230,539).

Applicant has amended claims 1-3 to further define the invention and, for at least the reasons discussed below, the amended claims 1-3 are believed patentable.

As defined in the claims 1 and 2, the elastic petal of the tube constrictor has an innermost portion, the innermost portion has a pointed tip formed at its end, and when the tube constrictor is pushed into the constrictor groove, the pointed tip engages with the O-shaped ring so as to move the clamp member away from the outer surface of the tube. In this way, the tube can be easily removed from the tube constrictor and the constrictor groove without scarring the outer surface of the tube.

Olson does not expressly teach the above features. The Office Action alleged that Olson teaches that “when the tube constrictor is pushed deep into the constrictor groove, the pointed tip engages with the O-shaped ring so as to move the clamp member away from the outer surface of the tube (see col. 5, line 67-col. 6, line 10)”. However, on col. 5, line 67-col. 6, line 10, Olson only teaches that, by urging the outer flange 41 inwardly, the frusto-conical outer surface 45 of

Docket No. «IMPORT_CASEJCPI_DOCKET_NO»
US App. No. «APPLICATION_NO»

the enlarged end portion 43 is moved out of engagement with the frusto-conical inner surface 34 of the sleeve 30. "As a result, the teeth 46 of the collet 40 can be flexed radially outwardly out of gripping engagement with the outer surfaced of the tube 60." Clearly, in Olson's invention, the teeth 46 are disengaged with the outer surface of the tube by moving the frusto-conical outer surface 45 out of engagement with the frusto-conical inner surface 34. Olson never teaches that, when the tube constrictor is pushed deep into the constrictor groove, the pointed tip engages with the O-shaped ring so as to move the clamp member away from the outer surface of the tube as required by the present invention as defined in claims 1 and 2.

Furthermore, the amended claims 1 and 2 recite that each clamp member has an inclined surface shaped to conform to an outer surface of the tube. Olson does not teach such a feature. Olson teaches teeth 46

Claim 3 depends on claim 2 and further recites that "each said pointed tip of said innermost portion has an inclined inner surface and an **upright outer surface**". (see Fig. 9) Olson does not teach such an upright outer surface. In fact, Olson teaches that the outer surface of the enlarged end portion 43 has a radially outwardly extending frusto-conical surface 45 which engages the frusto-conical surface 34 of the sleeve 30. Col. 4, lines 31-34 and col. 5, lines 25-27.

For at least the reasons discussed above, Olson cannot anticipate claims 1-3.

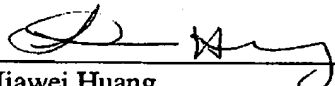
Withdrawal of the rejection is requested.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the remaining claims 1-3 are now in condition for allowance. Allowance of this application is earnestly solicited.

Respectively submitted

Date: 1/3/2005


Jiawei Huang
Registration No. 43,330

J.C. Patents
4 Venture, Suite 250
Irvine, CA 92618
Tel.: (949) 660-0761